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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,561	10/16/2003	Angelique M. Brignac	A02204US (98238.7)	7152

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GARVEY SMITH NEHRBASS & NORTH, LLC
LAKEWAY 3, SUITE 3290
3838 NORTH CAUSEWAY BLVD.
METAIRIE, LA 70002

EXAMINER

SWINEHART, EDWIN L

ART UNIT	PAPER NUMBER
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3617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/20/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/687,561	Applicant(s) BRIGNAC ET AL.	
	Examiner Ed Swinehart	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-15,17,18,20,23-38,40,41 and 46-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-15,17,18,20,23-38,40,41 and 46-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1,2,4-15,17,18,20,47-56 and 67-75 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 depends from canceled claim 22. This claim cannot be further treated on the merits as its dependency is unknown.

Claims 1 and 67 are not clear. Specifically, the claims recite a hull having a stern deck extending to the stern, and then a fantail extending aft of the transom, and the fantail "forming a part of the stern deck". How can the fantail, which extends aft of the transom form a part of the stern deck which is defined as extending forward from the stern?

The parenthetical statement in claim 70 should be removed, as such renders the metes and bounds of the claim difficult to determine.

Claim 71 is unclear. Such is possibly grammatical in nature, however such cannot be determined.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 67,69,73,74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Villalon et al. in view of Diamond.

Villalon discloses a V-shaped hull, provided with a "pilot house" which is upstanding from the deck, and the deck being continuous from the house to the stern. Villalon fails to show the type of propulsion unit employed, nor the fantail and buoyancy chambers.

Diamond teaches the application of a fantail-deck extension, and spaced floatation chambers positioned therebeneath on either side of an outboard motor (or other type of propulsion unit).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a fantail deck extension to Villalon as taught by Diamond.

Such a combination would have been desirable so as to extend the useful area of the deck.

In such a combination, it is considered to have been obvious to employ an outboard motor or its equivalent as the propulsion unit.

Re claim 69, such is considered intended use, carrying no weight in the claim. Furthermore, any boat with an area of sufficient size to accommodate a stretcher is considered to meet this limitation.

Re claim 74, the number of propulsion units provided, as well as the number of chambers is considered to have been an obvious consideration of design, well within the level of skill of the ordinary routineer working in the art at the time of the invention, providing no unexpected results.

5. Claims 1,2,4,9,10,12,13,24-29,31-34,38,40,41,53,55,57-59,61-63,67-69,71 and 73-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Diamond.

The 52-foot SRC configuration publication shows rescue wells positioned as claimed, as well as an inherently removable deck grating positioned thereover.

Re paragraph g of claim 1, note that the pilot house includes both an open and closed bridge, each having pilot seating, and the open bridge seats are positioned as claimed. The 52-foot SRC configuration publication fails to disclose a fantail.

Diamond is applied as above.

Re claim 40, the propellers are shielded by the buoyancy chambers, and are therefore not exposed.

Re claim 58, peripheral rails are shown.

The number of seats provided are considered to have been an obvious design consideration to the ordinary routineer working in the art at the time of the invention, and providing no unexpected results. Such is true for provision of cushions on the seats as well.

Re claim 28, such a line of sight is inherent.

Provision of multiple decks is inherently a function of ship size, and such is considered to have been an obvious design consideration to the ordinary routineer working in the art at the time of the invention, and providing no unexpected results.

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Re claims 35 and 36, provision of a trailer to haul a watercraft is considered and obvious design expedient, well within anyone's skill. The size of a watercraft is purely choice of design.

Re claim 53, provision of cushions on the seats is not considered invention. Likewise the positions such seats are placed is considered to have been well within the level of skill of the ordinary routineer working in the art at the time of the invention, providing no unexpected results

Re claims 12 and 13, provision of a trailer to haul a watercraft is considered and obvious design expedient, well within anyone's skill. The size of a watercraft is purely choice of design.

6. Claims 7,8,11 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Diamond as applied against claims 1 and 24 above, and further in view of Bradford.

The 52-foot SRC configuration publication fails to disclose a litter, although provision of same in a ships infirmary is considered to have been notoriously old and well known in the art.

Bradford discloses a break-down litter.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a litter to the ship of the 52-foot SRC configuration publication as that taught by Bradford.

Such a combination would have been desirable at the time the invention was made so as to provide crew safety.

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A break-down litter can be fitted within the hull anywhere in the hull as desired.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Diamond as applied against claim 1 above and further in view of Leming et al.

The 52-foot SRC configuration publication fails to disclose a loading zone at the stern.

Leming et al. teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a loading zone to the 52-foot SRC configuration publication as taught by Leming et al.

Such a combination would have been desirable at the time the invention was made so as to provide for ease in loading/unloading.

8. Claims 14,37 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Diamond as applied against claims 1,24 and 67 above and further in view of Goldman.

The 52-foot SRC configuration publication fails to disclose a foam bumper as claimed.

Goldman discloses same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the 52-foot SRC configuration publication with a foam bumper as taught by Goldman.

Such a combination would have been desirable at the time the invention was made so as to provide for safety.

The amount of buoyancy provided is considered to have been an obvious design consideration.

9. Claims 15,49,54 and 71 rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Diamond as applied against claims 1 and 67 above and further in view of Sinclair, Jr.

The 52-foot SRC configuration publication appears to show a constant deadrise, however, such has not been positively shown or discussed.

Sinclair, Jr. teaches superior sea keeping in heavy seas by provision of a constant deadrise hull.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a constant deadrise to the hull of the 52-foot SRC configuration publication as taught by Sinclair, Jr.

Such a combination would have been desirable at the time the invention was made so as to provide for improved performance in heavy seas.

Re claim 54, the number of engine hatches provided is considered to have been an obvious choice of design.

10. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Diamond as applied against claim 1 above and further in view of Fink, Jr.

The 52-foot SRC configuration publication fails to disclose spray rails as are old and well known in the art as evidenced by Fink Jr.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the 52-foot SRC configuration publication with spray rails as taught by Fink, Jr.

Such a combination would have been desirable at the time the invention was made so as to provide for passenger comfort.

11. Claims 51 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Diamond as applied against claims 1 and 24 above and further in view of Braddon et al.

The 52-foot SRC configuration publication fails to disclose yaw stabilizers as are old and well known in the art as evidenced by Braddon.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the 52-foot SRC configuration publication with stabilizers as taught by Braddon.

Such a combination would have been desirable at the time the invention was made so as to provide passenger comfort.

12. Claims 17, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Diamond as applied against claim 1 above and further in view of Nanami.

The 52-foot SRC configuration publication fails to disclose a non-exposed propeller.

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Nanami teaches a propulsion unit arrangement as claimed.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a stern arrangement to the 52-foot SRC configuration publication as taught by Nanami.

Such a combination would have been desirable at the time the invention was made so as to provide protection of the propulsion units and increased buoyancy.

13. Claims 46 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Diamond and Nanami as applied to claims 22 above, and further in view of Jagers.

The 52-foot SRC configuration publication fails to teach a hoist for the propulsion unit as claimed.

Jagers teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the 52-foot SRC configuration publication as modified with a hoist as taught by Jagers.

Such a combination would have been desirable at the time the invention was made so as to provide for ease in maintenance.

14. Claims 56 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Diamond as applied against claims 1 and 24 above and further in view of Cavanaugh et al.

The 52-foot SRC configuration publication fails to disclose a fire fighting system.

Cavanaugh et al. teaches same.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the 52-foot SRC configuration publication with a fire fighting system as taught by Cavanaugh et al.

Such a combination would have been desirable at the time of the invention so as to provide the further utility of the ship.

15. Claims 47, 48, 65 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Diamond and Goldman as applied to claims 14 and 37 above, and further in view of Burke.

The 52-foot SRC configuration publication fails to disclose flush mount cleats. Burke teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide flush mount cleats to the 52-foot SRC configuration publication as taught by Burke.

Such a combination would have been desirable at the time the invention was made so as to provide safety of crew walking on deck.

16. Claims 52 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Diamond as applied against claims 1 and 24 above, and further in view of Miller.

The 52-foot SRC configuration publication fails to disclose a towing post. Miller teaches same.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a towing post to the 52-foot SRC configuration publication as taught by Miller.

Such a combination would have been desirable at the time the invention was made so as to provide for the ability to render assistance to a distressed craft.

17. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Diamond as applied against claim 1 above, and further in view of Mc Vay et al.

The 52-foot SRC configuration publication fails to show a trailer.

Mc Vay teaches the towing of a rescue boat behind a trailer.

It would have been obvious to one of ordinary skill in the art at the time of the invention to tow the vessel of the 52-foot SRC configuration publication as taught by Mc Vay.

Such a combination would have been desirable, so as to permit the boat to be taken to the emergency.

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tane teaches a pilothouse.

Payne teaches a fantail with depending floatation.

Stricker teaches a fantail.

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19. Applicant's arguments filed 10/16/2006 have been fully considered but they are not persuasive.

Applicant's arguments have been primarily directed towards amended claims 1 and 24, and such arguments are considered moot in view of the new grounds of rejection. The remaining arguments attack the modifying references singly, and such cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

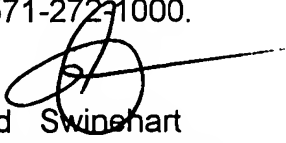
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ed Swinehart
Primary Examiner
Art Unit 3617